

19900703

THE CITY OF SAN DIEGO, CALIFORNIA
MINUTES FOR REGULAR COUNCIL MEETING
OF
TUESDAY, JULY 3, 1990
AT 9:00 A.M.
IN THE COUNCIL CHAMBERS - 12TH FLOOR

CHRONOLOGY OF THE MEETING:

The meeting was called to order by Mayor O'Connor at 10:11 a.m. The meeting was recessed by Mayor O'Connor at 10:15 a.m. to meet in Closed Session and 1:45 p.m., in the 12th floor conference room, to discuss pending litigation and to reconvene at 2:00 p.m.

The meeting was reconvened by Mayor O'Connor at 2:17 p.m. with Council Members Bernhardt, McCarty, and Filner not present. The meeting was adjourned by Deputy Mayor Wolfsheimer at 4:10 p.m.

ATTENDANCE DURING THE MEETING:

- (M) Mayor O'Connor-present
- (1) Council Member Wolfsheimer-present
- (2) Council Member Roberts-present
- (3) Council Member Hartley-present
- (4) Council Member Pratt-present
- (5) Council Member Bernhardt-excused by R-276132
(personal business)
- (6) Council Member Henderson-present
- (7) Council Member McCarty-present
- (8) Council Member Filner-present
- Clerk-Abdelnour;Fishkin (rb;mp)

FILE LOCATION: MINUTES

ITEM-300: ROLL CALL

Clerk Abdelnour called the roll:

- (M) Mayor O'Connor-present
- (1) Council Member Wolfsheimer-present
- (2) Council Member Roberts-present

- (3) Council Member Hartley-present
- (4) Council Member Pratt-present
- (5) Council Member Bernhardt-not present
- (6) Council Member Henderson-present
- (7) Council Member McCarty-present
- (8) Council Member Filner-not present

ITEM-330: (R-90-1791) ADOPTED AS RESOLUTION R-276063

Considering the protests, approving the modified map, confirming the assessments, and ordering the proposed maintenance, in the matter of the North City West Landscape and Lighting Maintenance District.

(North City West Community Area. District-1.)

CITY MANAGER SUPPORTING INFORMATION: This action establishes the annual assessments for the North City West Landscape and Lighting Maintenance District. The district provides maintenance for approximately 210 acres of open space in addition to medians, streetscapes, slopes within the district areas. The Fiscal Year 1991 proposed maintenance costs for the district are as follows:

Contractual Maintenance	\$389,000
Personnel	41,582
Utilities	128,000
Incidentals	63,418*
Total Expenses	\$622,000
Reserve	85,268
Total	\$707,268
Less Carry-over & Interest	94,000
Less City Contribution	28,160
Assessed to District	\$585,108

*Includes \$36,003 Assessment Management Fee.

Even though the various items making up the maintenance district expenditure have changed slightly, the total amount assessed to the district in Fiscal Year 1991 has not changed and will be the same as in Fiscal Year 1990, approximately \$585,108.

Consequently, the proposed unit assessments for Fiscal Year 1991 will be approximately the same as the previous Fiscal Year, approximately \$110 per residential unit.

FILE LOCATION: STRT M-204

COUNCIL ACTION: (Tape location: A057-065.)

Hearing began at 10:12 a.m. and halted at 10:14 a.m.

MOTION BY WOLFSHEIMER TO ADOPT ITEMS 330 AND 331. Second by Roberts. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Pratt-yea, Bernhardt-not present, Henderson-yea, McCarty-yea, Filner-not present, Mayor O'Connor-yea.

ITEM-331: (R-90-1976) ADOPTED AS RESOLUTION R-276064

Considering the protests, approving the modified map, confirming the assessments, and ordering the proposed maintenance, in the matter of the Mira Mesa Landscape Maintenance District.

(Mira Mesa Community Area. District-5.)

CITY MANAGER SUPPORTING INFORMATION: This action establishes the annual assessments for the Mira Mesa Landscape Maintenance District and proposes to establish the Mercy Road subdistrict. The district provides for the maintenance of landscaped and paved medians, street lights and streetscapes. The Fiscal Year 1991 proposed maintenance costs for the district are as follows:

Contractual Maintenance	\$ 86,400
Personnel	10,396
Utilities	8,200
Incidentals	17,110*
Total Expenses	\$122,106
Reserve	27,374
Total	\$149,480
Less Carry-over & Interest	50,700
Less City Contribution	23,281
Assessed to District	\$ 75,499

*Includes \$7,066 Assessment Management Fee.

The assessment amount per unit for Fiscal Year 1991 is \$3.00, which is the same as Fiscal Year 1990. The new subdistrict is

located in the northeast corner of the district east of Black Mountain Road, west of I-15, southerly of Mercy Road and north of Galvin Avenue.

FILE LOCATION: STRT M-205

COUNCIL ACTION: (Tape location: A057-065.)

Hearing began at 10:12 a.m. and halted at 10:14 a.m.

MOTION BY WOLFSHEIMER TO ADOPT ITEMS 330 AND 331. Second by Roberts. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Pratt-yea, Bernhardt-not present, Henderson-yea, McCarty-yea, Filner-not present, Mayor

O'Connor-yea.

ITEM-332: (R-90-) CONTINUED TO JULY 31, 1990

(Continued from the meeting of May 15, 1990, Item 331, at Councilmember Bernhardt's request, for further review and report back by the Planning Department, Planning Commission and PSS Committee.)

Appeal of George Tucker, from the decision of the Planning Commission in approving Conditional Use Permit CUP-89-0896, proposing a 696 square-foot addition to an existing Texaco service station. The subject property (a lot approximately 15,538 square-feet) is located at 7490 Beagle Street, in Zone CN, in the Clairemont Mesa Community Plan area, and is more particularly described as a portion of Lot 2 of Cambridge Center, Map-4264.

(CUP-89-0896. District-5.)

Adoption of a Resolution granting or denying the appeal and granting or denying the permit, with appropriate findings to support Council action.

FILE LOCATION: PERM - CUP-89-0896

COUNCIL ACTION: (Tape location: A040-054.)

MOTION BY WOLFSHEIMER TO CONTINUE TO JULY 31, 1990, AS REQUESTED BY COUNCIL MEMBER BERNHARDT ON BEHALF OF THE APPELLANT. Second by McCarty. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Pratt-yea, Bernhardt-not present, Henderson-yea, McCarty-yea, Filner-not present, Mayor O'Connor-yea.

ITEM-333: TRAILED TO JULY 9, 1990, DUE TO LACK OF A QUORUM

Three actions relative to the Scripps Miramar Ranch

Facilities Benefit Assessment:

(See City Manager Report CMR-90-219. Scripps Miramar Ranch Community Area. District-5.)

Subitem-A: (R-90-1909)

Designating an area of benefit in Scripps Miramar Ranch and the boundaries; confirming the description of Public Facilities Projects, the Community Financing Plan and Capital Improvement Program with respect to the Public Facilities Projects; the method for apportioning the costs of the Public Facilities Projects among the parcels within

the area of benefit and the amount of the Facilities Benefit Assessments charged to each parcel; the basis and methodology for assessing and levying discretionary automatic annual increases in Facilities Benefit Assessments; and ordering the Proposed Public Facilities Project in the matter of the Scripps Miramar Ranch Facilities Benefit Assessment Area.

Subitem-B: (R-90-1910)

Declaring the assessment fee schedule contained in the Scripps Miramar Ranch Public Facilities Financing Plan, approved in Resolution R-275816, to be an appropriate and applicable development impact fee for all properties located within the Greater Scripps Miramar Ranch Community Planning Area that have either never been assessed under the Scripps Miramar Ranch Public Facilities Financing Plan or have not otherwise agreed to the payment of Facilities Benefit Assessment fees as prescribed by the City Council.

Subitem-C: (O-90-112)

Introduction of an Ordinance amending Chapter X, Article 2, of the San Diego Municipal Code by amending Section 102.0406.0611 relating to the Scripps Miramar Ranch Community Planning Area.

FILE LOCATION: Subitem-A,B: STRT - FB-11; Subitem-C:
LAND - Scripps Miramar Ranch Community Plan

COUNCIL ACTION: (Tape location: B010-016;D257-370).

Hearing began at 2:18 and recessed at 2:19.

Hearing reconvened at 4:03 p.m. and recessed at 4:10.

Testimony in opposition by Lynne Heidel.

The item was trailed as unfinished business to the next regular meeting which will be held on July 9, 1990, due to lack of a quorum.

ITEM-334:

Two actions relative to the Penasquitos East Facilities Benefit Assessment:

(See City Manager Report CMR-90-221. Penasquitos East Community Area. District-1.)

Subitem-A: (R-90-1902) ADOPTED AS RESOLUTION R-276066

Designating an area of benefit in Penasquitos East and the

boundaries; confirming the description of Public Facilities Projects, the Community Financing Plan and Capital Improvement Program with respect to the Public Facilities Projects; the method for apportioning the costs of the Public Facilities Projects among the parcels within the area of benefit and the amount of the Facilities Benefit Assessments charged to each parcel; the basis and methodology for assessing and levying discretionary automatic annual increases in Facilities Benefit Assessments; and ordering the proposed Public Facilities Project in the matter of Penasquitos East Facilities Benefit Assessment Area.

Subitem-B: (R-90-1903) ADOPTED AS RESOLUTION R-276067

Declaring the assessment fee schedule contained in the Penasquitos East Public Facilities Financing Plan approved in Resolution R-275814 to be an appropriate and applicable development impact fee for all properties located within the Greater Penasquitos East Community Planning Area that have either never been assessed under the Penasquitos East Public Facilities Financing Plan or have not otherwise agreed to the payment of Facilities Benefit Assessment fees as prescribed by the City Council.

FILE LOCATION: STRT - FB-5

COUNCIL ACTION: (Tape location: B017-030.)

Hearing began at 2:19 p.m. and halted at 2:20 p.m.

MOTION BY WOLFSHEIMER TO ADOPT ITEM-334, -336, AND -337. Second by Pratt. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Pratt-yea, Bernhardt-not present, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

ITEM-335:

Two actions relative to the North City West Facilities Benefit Assessment:

(See City Manager Report CMR-90-214. District-1.)

Subitem-A: (R-90-1887) ADOPTED AS RESOLUTION R-276068

Designating an area of benefit in North City West and the boundaries; confirming the description of Public Facilities Projects, the Community Financing Plan and Capital Improvement Program with respect to the Public Facilities

Projects; the method for apportioning the costs of the Public Facilities Projects among the parcels within the area of benefit and the amount of the Facilities Benefit Assessments charged to each parcel; the basis and methodology for assessing and levying discretionary automatic annual increases in Facilities Benefit Assessments; and ordering the proposed Public Facilities Project in the matter of North City West Facilities Benefit Assessment Area.

Subitem-B: (R-90-1888) ADOPTED AS RESOLUTION R-276069

Declaring the assessment fee schedule contained in the North City West Public Facilities Financing Plan to be an appropriate and applicable development impact fee for all properties within the Greater North City West Community Planning Area that have either never been assessed under the North City West Public Facilities Financing Plan or have not otherwise agreed to the payment of Facilities Benefit Assessment fees as prescribed by the City Council.

FILE LOCATION: STRT - FB-8

COUNCIL ACTION: (Tape location: B032-041.)

Hearing began at 2:20 and halted at 2:21 p.m.

MOTION BY WOLFSHEIMER TO ADOPT THE RESOLUTIONS. Second by Pratt. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Pratt-yea, Bernhardt-not present, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

ITEM-336: (R-90-1864) ADOPTED AS RESOLUTION R-276070

Considering the protests, approving the modified map, confirming the assessments, and ordering the proposed maintenance, in the matter of the Penasquitos East Landscape Maintenance District.

(Penasquitos East Community Area. District-1.)

CITY MANAGER SUPPORTING INFORMATION: This action establishes the annual assessments for the Penasquitos East Landscape Maintenance District. The district provides for the maintenance of landscaped medians and open space within the district. The Fiscal Year 1991 proposed maintenance costs for the district are as follows:

Contractual Maintenance	\$ 65,000
Personnel	10,396

Utilities	14,600
Incidentals	18,311
Total Expenses	\$108,307
Reserve	19,855
Total	\$128,162
Less Carry-over & Interest	38,000
Less City Contribution	14,586
Assessed to District	\$ 75,576

*Includes \$6,377 Assessment Management Fee.

The total amount assessed to the district in Fiscal Year 1991 will be approximately \$5.50 per unit, compared to \$4.47 for fiscal year 1990.

FILE LOCATION: STRT - M-207

COUNCIL ACTION: (Tape location: B017-030.)

Hearing began at 2:19 p.m. and halted at 2:20 p.m.

MOTION BY WOLFSHEIMER TO ADOPT ITEM-334, -336, AND -337. Second by Pratt. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Pratt-yea, Bernhardt-not present, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

ITEM-337: (R-90-1858) ADOPTED AS RESOLUTION R-276071

Considering the protests, approving the modified map, confirming the assessments, and ordering the proposed maintenance, in the matter of the Park Village Landscape Maintenance District.

(Penasquitos East Community Area. District-1.)

CITY MANAGER SUPPORTING INFORMATION: This action establishes the assessments for the maintenance of landscaped medians and slopes in the Park Village Landscape Maintenance District for Fiscal Year 1991. The developer of the subdivision will continue to provide all necessary maintenance for any newly landscaped areas until they are turned over to and accepted by the district. The proposed maintenance costs for the landscaped areas to be maintained by the district during Fiscal Year 1991 are as follows:

Contractual Maintenance	\$55,500
Personnel	6,238
Utilities	16,800
Incidentals	11,826
Total Expenses	\$90,364
Reserve	8,633

Total	\$98,997
Less Carry-over & Interest	1,000
Less City Contribution	7,482
Assessed to District	\$90,515

*Includes \$5,230 Assessment Management Fee.

Assessments for Fiscal Year 1991 correspond to approximately \$28 per dwelling unit compared to \$26 for Fiscal Year 1990. The increase in the assessment this fiscal year reflects a modest increase in the cost of contractual services and a larger increase in the water costs based on actual charges during Fiscal Year 1990.

FILE LOCATION: STRT - M-208

COUNCIL ACTION: (Tape location: B017-030.)

Hearing began at 2:19 p.m. and halted at 2:20 p.m.

MOTION BY WOLFSHEIMER TO ADOPT ITEM-334, -336, AND -337. Second by Pratt. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Pratt-yea, Bernhardt-not present, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

ITEM-338: (R-90-1861) ADOPTED AS RESOLUTION R-276072

Considering the protests, approving the modified map, confirming the assessments, and ordering the proposed maintenance, in the matter of the Gaslamp Quarter Landscape and Lighting Maintenance District.

(Centre City Community Area. District-8.)

CITY MANAGER SUPPORTING INFORMATION: This action establishes the annual assessments for the Gaslamp Quarter Landscape and Lighting Maintenance District. The Fiscal Year 1991 proposed maintenance costs for the district are as follows:

Contractual Maintenance	\$ 45,200
Personnel	211,996
Utilities	48,200
Incidentals	130,711*
Total Expenses	\$436,107
Reserve	77,145
Total	\$513,252
Less Carry-over & Interest	197,500
Less City Contribution	13,000
Assessed to District	\$302,752

*Includes Assessment District Management Fee of \$25,101.

The annual assessment for Fiscal Year 1991 will be \$302,752 compared to \$267,637, the amount assessed for Fiscal Year 1990. The unit assessments in this district vary depending on the degree of service and number of stories of the building on the parcel, thus ranging from \$5.00 to \$27.00 per unit of parcel frontage.

FILE LOCATION: STRT - M-209

COUNCIL ACTION: (Tape location: B043-045.)

Hearing began at 2:21 p.m. and halted at 2:22 p.m.

MOTION BY HENDERSON TO ADOPT THE RESOLUTION. Second by Pratt.

Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Pratt-yea, Bernhardt-not present, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

ITEM-339: (R-90-517) ADOPTED AS RESOLUTION R-276073 GRANT
APPEAL, DENY PERMIT

19900703

(Continued from the meeting of May 8, 1990, Item 335, at Attorney Heidel's request, for the parties involved to resolve the issues.)

Appeal of James Enright from the decision of the Planning Commission in approving Coastal Development Permit CDP-89-0761 proposing to demolish an existing structure and construct a two-story, single-family home totaling 5,260 square feet. The subject property, an 8,900 square foot site, is located at 1235 Olivet Street, on the east side of Olivet Street, north of Cabrillo Avenue, west of Mar Avenue, and south of Exchange Place and is more particularly described as Lot 16, Block 77 of Villa Tract, La Jolla Park, Map-976, in the R-1-5000 Zone, in the La Jolla Community Plan area.

(CDP-89-0761. District-1.)

Adoption of a Resolution granting or denying the appeal and granting or denying the permit, with appropriate findings to support Council action.

FILE LOCATION: PERM - CDP-89-0761

COUNCIL ACTION: (Tape location: B047-C088.)

Hearing began at 2:22 p.m. and halted at 3:07 p.m.

Testimony in favor by James Enright.

Testimony in opposition by Kimball Moss, Lynne Heidel, and Bejan Arfaa.

Council Member Pratt left at 2:50 p.m.

MOTION BY WOLFSHEIMER TO GRANT THE APPEAL AND DENY THE PERMIT.

Second by Roberts. Passed by the following vote:

Wolfsheimer-yea, Roberts-yea, Hartley-yea, Pratt-not present,
Bernhardt-not present, Henderson-yea, McCarty-yea, Filner-yea,
Mayor O'Connor-yea.

ITEM-340: (R-90-131) ADOPTED AS RESOLUTION R-276074
DENY APPEAL, GRANT DESIGNATION AS
AMENDED

19900703

(Continued from the meeting of May 29, 1990, Item 334, at Councilmember Henderson's request, to allow an opportunity for the Pacific Beach Town Council to review the matter.)

Appeal of Willis M. Allen, Jr., by Marie Burke Lia, Attorney, from the decision of the Historical Site Board in designating the Crystal Pier Administration Building as a historical site. The subject property is located at the end of Garnet Avenue, in the Pacific Beach Community Plan area.

(District-6.)

Adoption of a Resolution granting or denying the appeal and granting or denying the historic site designation of the pier administration building, with appropriate findings to support Council action.

FILE LOCATION: GENL - Historical Site Board Decision &
Appeals, etc.

COUNCIL ACTION: (Tape location: C094-D249.)

Hearing began at 3:07 p.m. and halted at 4:01 p.m.

Testimony in favor by Marie Lia, John Fowler, and James Moore.

Testimony in opposition by Al Strohlein, Von Marie May, Holly Bertz, David Swarens, Don Wood, and Valerie Stallings.

Motion by Henderson to sustain the appeal.

Amendment to the motion by Filner to designate as Grade 4 and to photograph prior to demolition for documentation. Accepted by maker of the motion.

MOTION BY HENDERSON TO DENY THE APPEAL AND TO GRANT A GRADE 4 DESIGNATION INSTEAD OF A GRADE 1, WHICH WILL REQUIRE PHOTOGRAPHYING PRIOR TO DEMOLITON FOR DOCUMENTATION. Second by Filner. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Pratt-not present, Bernhardt-not present, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-not present.

ITEM-S500: CONTINUED TO JULY 23, 1990

An Informational Report from the City Manager regarding a communication from Councilmember Hartley on the creation of a Downtown Court/Jail Complex Task Force.

(See memorandum from Councilmember John Hartley dated 6/6/90.)

COMMITTEE ACTION: Initiated by PSS on 6/20/90. Recommendation to refer Councilmember Hartley's 6/6/90 memorandum on a Downtown Court/Jail Complex Task Force to the City Manager to answer questions in the memo, and consider what alternatives could be pursued in the event Proposition A is deemed invalid, and report to the City Council. Districts 2, 3, 4 and 5 voted yea. District 7 not present.

FILE LOCATION: --

COUNCIL ACTION: (Tape location: A040-054.)

MOTION BY HARTLEY TO CONTINUE TO JULY 23, 1990, AS REQUESTED BY THE CITY MANAGER. Second by McCarty. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Pratt-yea, Bernhardt-not present, Henderson-yea, McCarty-yea, Filner-not present, Mayor O'Connor-yea.

NON-DOCKET ITEMS:

None.

COUNCIL COMMENT:

None.

PUBLIC COMMENT:

None.

ADJOURNMENT:

By common consent, the meeting was adjourned by Deputy Mayor Wolfsheimer at 4:10 p.m. in honor of the memory of Judge Robert J. Cooney.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: D371).